

## AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

### Listing of Claims:

1. (CURRENTLY AMENDED) Seed of ~~cowpea line~~ cowpea variety designated 951135, representative seed of ~~said line~~ said variety having been deposited under ATCC Accession No. PTA-\_\_\_\_\_.
2. (ORIGINAL) A cowpea plant, or a part thereof, produced by growing the seed of claim 1.
3. (ORIGINAL) A tissue culture of regenerable cells produced from the plant of claim 2.
4. (ORIGINAL) Protoplasts produced from the tissue culture of claim 3.
5. (CURRENTLY AMENDED) The tissue culture of claim 3, wherein cells of the tissue culture are from a tissue selected from the group consisting of leaf, pollen, embryo, root, root tip, ~~anther, pistil~~ anther, pistil, flower, seed, pod, and stem.
6. (CURRENTLY AMENDED) A cowpea plant regenerated from the tissue culture of claim 3, said plant having all the morphological and physiological characteristics ~~of line~~ of variety 951135, representative seed of ~~said line~~ said variety having been deposited under ATCC Accession No. PTA-\_\_\_\_\_.
7. (ORIGINAL) A method for producing an F1 hybrid cowpea seed, comprising crossing the plant of claim 2 with a different cowpea plant and harvesting the resultant F1 hybrid cowpea seed.
- 8 – 9. (CANCELED)
10. (ORIGINAL) A method for producing a male sterile cowpea plant comprising transforming the cowpea plant of claim 2 with a nucleic acid molecule that confers male sterility.
11. (ORIGINAL) A male sterile cowpea plant produced by the method of claim 10.

12. (ORIGINAL) A method of producing an herbicide resistant cowpea plant comprising transforming the cowpea plant of claim 2 with a transgene that confers herbicide resistance.

13. (ORIGINAL) An herbicide resistant cowpea plant produced by the method of claim 12.

14. (CURRENTLY AMENDED) The cowpea plant of claim 13, wherein the transgene confers resistance to an herbicide selected from the group ~~consisting of~~: consisting of imidazolinone, sulfonylurea, glyphosate, glufosinate, L-phosphinothricin, triazine and benzonitrile.

15. (ORIGINAL) A method of producing an insect resistant cowpea plant comprising transforming the cowpea plant of claim 2 with a transgene that confers insect resistance.

16. (ORIGINAL) An insect resistant cowpea plant produced by the method of claim 15.

17. (ORIGINAL) The cowpea plant of claim 16, wherein the transgene encodes a *Bacillus thuringiensis* endotoxin.

18. (ORIGINAL) A method of producing a disease resistant cowpea plant comprising transforming the cowpea plant of claim 2 with a transgene that confers disease resistance.

19. (ORIGINAL) A disease resistant cowpea plant produced by the method of claim 18.

20. (ORIGINAL) A method of producing a cowpea plant with modified fatty acid metabolism or modified carbohydrate metabolism comprising transforming the cowpea plant of claim 2 with a transgene encoding a protein selected from the group consisting of stearyl-ACP desaturase, fructosyltransferase, levansucrase, alpha-amylase, invertase and starch branching enzyme.

21. (ORIGINAL) A cowpea plant produced by the method of claim 20.

22. (CURRENTLY AMENDED) A cowpea plant, or part thereof, having all the physiological and morphological characteristics of ~~the line~~ cowpea variety 951135,

representative seed of ~~said line~~ said variety having been deposited under ATCC Accession No. PTA-\_\_\_\_\_.

23. (CURRENTLY AMENDED) A method of introducing a desired trait into ~~cowpea line~~ cowpea variety 951135 comprising:

- (a) crossing 951135 plants grown from 951135 seed, representative seed of which has been deposited under ATCC Accession No. PTA-\_\_\_\_\_, with plants of another ~~cowpea line~~ cowpea variety that comprise a desired trait to produce F1 progeny plants, wherein the desired trait is selected from the group consisting of male sterility, herbicide resistance, insect resistance, and disease resistance;
- (b) selecting F1 progeny plants that have the desired trait to produce selected F1 progeny plants;
- (c) crossing the selected progeny plants with the 951135 plants to produce backcross progeny plants;
- (d) selecting for backcross progeny plants that have the desired trait and physiological and morphological characteristics of ~~cowpea line~~ cowpea variety 951135 listed in Table 1 to produce selected backcross progeny plants; and
- (e) repeating steps (c) and (d) three or more times in succession to produce selected fourth or higher backcross progeny plants that comprise the desired trait and all of the physiological and morphological characteristics of ~~cowpea line~~ cowpea variety 951135 listed in Table 1 as determined at the 5% significance level when grown in the same environmental conditions.

24. (CURRENTLY AMENDED) A plant produced by the method of claim 23, wherein the plant has the desired trait and all of the physiological and morphological characteristics of ~~cowpea line~~ cowpea variety 951135 listed in Table 1 as determined at the 5% significance level when grown in the same environmental conditions.

25. (CURRENTLY AMENDED) The plant of claim 24 wherein the desired trait is herbicide resistance and the resistance is conferred to an herbicide selected from the group ~~consisting of~~: consisting of imidazolinone, sulfonyleurea, glyphosate, glufosinate, L-phosphinothricin, triazine and benzonitrile.

26. (ORIGINAL) The plant of claim 24 wherein the desired trait is insect resistance and the insect resistance is conferred by a transgene encoding a *Bacillus thuringiensis* endotoxin.

27. (ORIGINAL) The plant of claim 24 wherein the desired trait is male sterility and the trait is conferred by a cytoplasmic nucleic acid molecule that confers male sterility.

28. (CURRENTLY AMENDED) A method of modifying fatty acid metabolism or modified carbohydrate metabolism into ~~cowpea line~~ cowpea variety 951135 comprising:

- (a) crossing 951135 plants grown from 951135 seed, representative seed of which has been deposited under ATCC Accession No. PTA-\_\_\_\_\_, with plants of another ~~cowpea line~~ cowpea variety that comprise a nucleic acid molecule encoding an enzyme selected from the group consisting of phytase, stearyl-ACP desaturase, fructosyltransferase, levansucrase, alpha-amylase, invertase and starch branching enzyme;
- (b) selecting F1 progeny plants that have said nucleic acid molecule to produce selected F1 progeny plants;
- (c) crossing the selected progeny plants with the 951135 plants to produce backcross progeny plants;
- (d) selecting for backcross progeny plants that have said nucleic acid molecule and physiological and morphological characteristics of ~~cowpea line~~ cowpea variety 951135 listed in Table 1 to produce selected backcross progeny plants; and
- (e) repeating steps (c) and (d) three or more times in succession to produce selected fourth or higher backcross progeny plants that comprise said

nucleic acid molecule and have all of the physiological and morphological characteristics of ~~cowpea line~~ cowpea variety 951135 listed in Table 1 as determined at the 5% significance level when grown in the same environmental conditions.

29. (CURRENTLY AMENDED) A plant produced by the method of claim 28, wherein the plant comprises the nucleic acid molecule and has all of the physiological and morphological characteristics of ~~cowpea line~~ cowpea variety 951135 listed in Table 1 as determined at the 5% significance level when grown in the same environmental conditions.